A.P. Treasuries Subordinate Services Association and Others Vs The Government of Andhra Pradesh and Others

Writ Appeal No. 1678 of 1995

Court: Andhra Pradesh High Court

Date of Decision: Dec. 15, 1995

Acts Referred:
Constitution of India, 1950 â€" Article 150

Citation: (1995) 3 ALT 867

Hon'ble Judges: P.S. Mishra, C.J; B. Sudershan Reddy, J

Bench: Division Bench

Advocate: V.V.S. Rao, for the Appellant; Government Pleader for Respondent Nos. 1 to 5 and V. Venkataramana, for the Respondent

Final Decision: Allowed

Judgement

P.S. Mishra, C.J.
Heard learned Counsel for the appellants and learned Counsel for the writ petitioner-respondent (No.6).

2. The Pay and Accounts office employees, it appears, have formed a Joint Action Committee and in the name of the said Committee, filed Writ

Petition No. 1070 of 1994. They have impugned a Government Order in G.O.Ms. No. 4, Finance and Planning (P.W. Admn. 1) Department,

dated 1-1-1994, which has contemplated the transfer of the audit powers like passing bills and financial transactions of Government offices situate

within the jurisdiction of Hyderabad district from the Pay and Accounts Office to the District Treasury, Hyderabad. Several contentions including

the locus standi, it appears, were raised before the learned single Judge and he has finally disposed of the writ petition by an order in favour of the

writ petitioner - respondent based on his views on the questions - whether the impugned Government Order requires the compliance of Article

150 of the Constitution of India, and whether the rule of audi alterant partem was applicable - and concluded accordingly as follows:

As such, a real and genuine dispute subsists to determine an important factor as to whether by issuance of the impugned Government Order, the

form of accounts is changed, in which case prior concurrence of the President of India as contemplated under Article 150 of the Constitution of

India is necessary and if the form of accounts does not undergo any change and it is the only forum, that is the change in Officer or office staff, is

changed, no such concurrence may be necessary. But, for determination of this contentious factual issue, a factual finding is necessary which may

not be possible, more so in this case, in exercise of its extraordinary jurisdiction by this Court under Article 226 of the Constitution of India.

Material on record leaves no doubt in the mind of this Court that the impugned Governmental Order has been issued only at the instance of Andhra

Pradesh Teasuries Subordinate Service Association and the same is mentioned as third reference in the impugned G.O. and even though the

impugned order is administrative in nature, in view of the effect it has got because of the contentions raised by the petitioner, as also the necessity

to reach a just, fair and objective decision, principles of natural justice warrant an opportunity of enquiry and hearing to the petitioner also and as

such it was incumbent upon the respondent-Government to follow the audi alterant partem rule, which the Government had grossly violated.

3. It is difficult for any person to realise why any doubt is entertained in the impugned order as respects the change in the prescribed form that

Article 150 of the Constitution of India has envisaged merely because work entrusted to a particular department or section of the Government is

sought to be entrusted to another section or department of the Government. Representations of the employees as respects their service conditions

are understandable. But, it is not understandable why any department of the Government shall demand entrustment of a particular work to it and

employees shall force the Government to decide on their representations allocation of work to different sections or departments of the

Government. It seems the Government listened to the representation of the Andhra Pradesh Treasury Subordinate Services Association and

decided entrustment of some of the work, which the Pay and Accounts office of the Government was doing, to the Treasuries. We have no reason

to think that the Government yielded to the pressure brought upon it by the employees in the Treasuries and decided to entrust substantial work,

which Pay and Accounts office was doing, to the Treasuries. We, however, do not see any requirement of audi alterant partem, which is a rule

applied by the Courts when quasi judicial or administrative orders visit any person with civil consequences. There is no legal injury to the writ

petitioner, if some work entrusted to them is withdrawn and entrusted to other employees. Reorganisation of departments and re-allocation of

work comes within the policy making area of the Government of the State. There is no vested right of the writ petitioner - respondent in jeopardy

on account of such re-allocation of work. There is also no interest of the public in jeopardy merely because instead of one section of employees

another section of employees will take up the work allotted to them by the Government.

4. Learned Counsel for the writ petitioner - respondent has not been able to show any violation of Article 150 of the Constitution of India. He has

also not been able to show any legal injury to the writ petitioner - respondent. Thus, the only conclusion possible is that the writ petitioner-

respondent has moved this Court for grievances which do not call for any intervention by the Court. Learned Counsel for the writ petitioner -

respondent has, however, drawn our attention to a Government Order which has been issued during the pendency of the writ petition and wherein

a mention is made that the Government was, after hearing the representation of the writ petitioner - respondent, in a mood to reconsider the

allocation of work. Since we have taken the view that Government is free to re-allocate the business and work accordingly to its departments and

employees, we have to leave the said order as it is and the matter to be considered by the Government in accordance with law.

5. For the reasons aforementioned, we are of the opinion that the impugned judgment, The Pay and Accounts Office Employees Joint Action

Committee Vs. The Government of A.P. and Others, cannot be sustained. It is accordingly set aside and the writ petition is dismissed but without

costs. The writ appeal is allowed accordingly.